

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17235 of 2018

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English Devi, Wife of Sanjay Sah, resident of Jajgtsingpur, Rani Tola, urf Rani Tola Jajgtsingpur, Rani Tola, Police Station-Samastipur Muffasil, District-Samastipur.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The Sub Divisional Officer, Samastipur.
4. The Block Development Officer-cum-Executive Officer, Panchayat Samiti, (Jitwarpur), Samastipur.
5. The District Panchayati Raj Officer, Samastipur.
6. The State Election Commission, Bihar, Sone Bhawan, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dipak Kumar, Advocate

For the Respondent-State: Mr. P.N. Shahi, AAG-6

For the Respondent-SEC: Mr. Amit Srivastava, Advocate

Mr. Girish Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 31-10-2018

This writ petition has been filed for the following reliefs:-

- (i) Issuance of an order, direction or writ in the nature of Certiorari quashing the outcome of the special meeting dated 27.07.2018 of Panchayat



Samiti (Jitwarpur), Samastipur by which it was decided that the Prakhand Pramukh had lost confidence of the majority of the said Panchayat Samiti.

(ii) Issuance of an order, direction or writ in the nature of Certiorari quashing letter no.1892 dated 13.08.2018 by which notices had been issued for holding election on the post of Pramukh Panchayat Samiti (Jitwarpur), Samastipur (Annexure-3 Series).

(iii) Issuance of an order, direction or appropriate declaration that the total elected post of the Panchayat (Jitwarpur), Samastipur so declared by the District Magistrate, being 36, motion of no confidence cannot be passed successfully if a total of 19 elected members do not vote in favour of no confidence motion.

(iv) Issuance of an order, direction or appropriate declaration that as only 18 elected members of Panchayat Samiti, Jitwarpur, Samastipur had voted in favour of no confidence motion against the petitioner on the post of Chairman, Panchayat Samiti (Jitwarpur), Samastipur.

(v) Issuance of an order, direction or writ in the nature of Mandamus directing the respondents authorities to allow the petitioner to function on the post of Prakhand Pramukh of Panchayat Samiti (Jitwarpur), Samastipur.



At the outset, it has been brought to the notice of the Court that during pendency of the writ petition pursuant to the vacancy arisen due to removal of the petitioner from the post of Pramukh Panchayat Samiti, Jitwarpur, Samastipur, a fresh election of Pramukh has taken place on 27.08.2018.

It is submitted by the learned counsel for the petitioner that the petitioner may be permitted to withdraw the present writ petition in order to challenge the outcome of the special meeting held on 27.08.2018 on amongst others the grounds taken in the instant writ petition.

Regard being had to the submission made above, the prayer is allowed. The writ petition is disposed of with liberty to the petitioner to file another writ petition challenging the resolution taken in the special meeting on 27.08.2018 along with the prayers made in the instant writ petition.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.11.2018
Transmission Date	NA

